

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2008-61
April 2, 2008

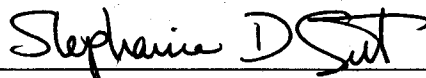
SUBJECT: Delegation to the Director of DC Homeland Security and Emergency Management Agency of the Mayor's Authority to designate special event areas.

ORIGINATING AGENCY: Office of the Mayor

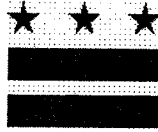
By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) (2006 Repl.), and 19 DCMR § 1301.8 (June 2001), it is hereby **ORDERED** that:

1. **DELEGATION OF AUTHORITY TO RELATING TO SPECIAL EVENTS:** The Mayor delegates to the Director of DC Homeland Security and Emergency Management Agency all of the Mayor's authority under 19 DCMR § 1301.8 to designate special event areas.
2. **AUTHORITY TO SUBDELEGATE:** The Mayor further delegates to the Director authority to subdelegate to subordinates any authority delegated under this Mayor's Order.
3. **RATIFICATION OF ACTS:** The Mayor hereby ratifies any acts taken by the Director consistent with the purpose of this Mayor's Order and the authority delegated herein.
4. **EFFECT:** This Mayor's Order supersedes all previous Mayors' Orders to the extent of any inconsistency therein.
5. **EFFECTIVE DATE:** This Order shall be effective immediately.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division

MEMORANDUM

TO: Stephanie D. Scott
Secretary of the District of Columbia

FROM: Wayne C. Witkowski *WCW*
Deputy Attorney General
Legal Counsel Division

DATE: March 31, 2008

SUBJECT: Legal Sufficiency of Draft Mayor's Order Delegating Authority to Designate
Special Event Areas
(AM-08-240)

This responds to your request for a legal sufficiency review of the above-referenced order ("Order").¹ The Order would delegate to the Director of D.C. Homeland Security and Emergency Management Agency ("Director") the Mayor's authority under 19 DCMR § 1301.8 to designate special event areas. Further, the Order would allow the Director to subdelegate this authority.

Pursuant to Section 19 DCMR § 1301.8, the requirements for obtaining Special Performance Permits under 19 DCMR § 1301 do not apply when those activities are conducted on public land officially designated by the Mayor (or the federal government) as a specific site where the activities can be conducted. The past practice has been that the Mayor would designate a special event area by a Mayor's Order, which would be published in the D.C. Register. With the delegation of the Mayor's authority under the Order, the designation of a special event area should be effected by a Director's Order, which should also be published in the D.C. Register to provide notice to the public.

¹ On March 26, 2008, this Office was asked to complete an expedited review of this Order. However, the request was delayed for further policy discussions. On March 28, 2008, you advised this Office to go forward with the review.

We have reviewed the attached Order and find it to be legally sufficient. The Order has also been edited and approved by Clifton Posey, Administrative Issuance Assistant, Office of Documents and Administrative Issuances.

Should you have any questions regarding this memorandum, please contact Sheila Kaplan, Assistant Attorney General, Legal Counsel Division at 724-5386, or me at 724-5524.

WCW/sk

Attachment